



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
June 28, 2007**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – May 31, 2007

CONSENT AGENDA – MINOR LOTS

Gerard Minor Lot (6613) – Application is for final subdivision approval of one (1) lot on 14 acres. Subject property is located west of Tulane Road and south of Austin Road in Section 16, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Bynum Estates (6614) – Application is for final subdivision approval of one (1) lot on 3 acres. Subject property is located east of Louise Road and south of Byhalia Road in Section 5, Township 3, Range 5 and is zoned Agricultural. (District 1)

Brooks Minor (6617) – Application is for final subdivision approval of one (1) lot on 9.51 acres. Subject property is located east of Tanyard Road and north of Highway 304 in Section 17, Township 3, Range and is zoned Agricultural. (District 4)

Ash Minor (6619) – Application is for final subdivision approval of one (1) lot on 5 acres. Subject property is located south of Bethel Road and east of Highway 305 in Section 27, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

Laquita Green (6620) – Application is for final subdivision approval of one (1) lot on 3.04 acres. Subject property is located south of Nail Road and west of Poplar Corner in Section 2, Township 2, Range 9 and is zoned Agricultural-Residential. (District 3)

Christ Community Church (6621) – Application is for final subdivision approval of one (1) lot on 7 acres. Subject property is located north of Byhalia Road in Section 5, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5)

Bailey's Ridge (6622) – Application is for final subdivision approval of one (1) lot on 2 acres. Subject property is located south of Highway 304 and west of Bluff Road in Section 17, Township 3, Range 9 and is zoned Agricultural. (District 4)

CONSENT AGENDA - FINAL SUBDIVISIONS

Browning Preserve (6599) – Application is for final subdivision approval of 22 lots on 18.75 acres. Subject property is located north of Dunn Lane and west of Highway 305 in Sections 16, Township 2, Range 6 and is zoned R-20. (District 5)

Oakwood Trails (6615) – Application is for final subdivision approval of 149 lots on 155.2 acres. Subject property is located south of Stateline Road and east of Highway 301 in Section 19, Township 1, Range 8 and is zoned Planned Unit Development. (District 3)

Villages at Hawks Crossing Phase I (6616) – Application is for final subdivision approval of 129 lots on 67.41 acres. Subject property is located east and west of Craft Road and north of Byhalia Road in Section 29, 30, 31, & 32, Township 2, Range 6 and is zoned Planned Unit Development. (District 5)

Hidden View (6618) – Application is for final subdivision approval of 28 lots on 29.40 acres. Subject property is located south of Lester Road and west of Getwell Road in Section 28, Township 2, Range 7 and is zoned R-30. (District 5)

REZONING

Village at Caney Creek (693) - Application is to rezone 34.29 acres from Agricultural to R-20 Overlay. Subject property is located on the north side of Holly Springs Road and west of Johnston Road in Section 22 & 23, Township 3, Range 7 and is zoned Agricultural. (District 5)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, June 28, 2007, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Len Lawhon, Julius Cowan, Pat Hefley, Leonard Lindsey, Joe Forsythe, Leigh Graves, Robin James, Jimmy Maxwell, and Wade Carter. Planning Commission Staff present included Jim McDougal, Matt Hanks, Kristen Duggan, and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation, Mr. Carter asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on May 31, 2007. There were none. Mr. James then made a Motion to approve the minutes. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

At this time Mr. Hanks announced to the board that the application for Cub Lake Estates Revision has been withdrawn by the applicant. Also, the application for AE Allison revision has been carried over.

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Mr. Hanks announced the Consent Agenda. He then announced the above items and stated that the minor lots conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval.

Mr. McKell made a Motion to approve the consent agenda with staff recommendations. Mr. Lawhon seconded the Motion. The Motion was passed by a unanimous vote.

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Mr. Hanks presented the applications for final subdivision approval and stated that they substantially conformed to the preliminary plats. The board stated that there were a few applications that they wanted to discuss.

Oakwood Trails (6615) – Application is for final subdivision approval of 149 lots on 155.2 acres. Subject property is located south of Stateline Road and east of Highway 301 in Section 19, Township 1, Range 8 and is zoned Planned Unit Development. (District 3)

Mr. Carter asked if Oakwood Trails complies with all Stormwater issues. Mr. Hanks stated they he has spoken to Mr. Scott Young, County Engineer, regarding this issue and they have filed the necessary papers.

Mr. Harvey Markum was then introduced to represent the application. Mr. Markum stated that an erosion control plan has been put in place. Mr. Carter then asked if the developer has spoken with Horn Lake Sewer services about the sewer line that runs through some of the lots. He also asked what their regulations are regarding building on or near these sewer lines. Mr. Carter then said he was mainly concerned with lots 121-125. Mr. Markum stated that the sewer easements will not be violated. Mr. Hanks then suggested that the sewer easement be marked on the plat as a no-build zone.

Mr. Carter then asked if this development will cause any increased flooding in Horn Lake Creek. Mr. Hanks stated that the Planning Commission has received a flood study and Mr. Andy Swims, County Engineer, is okay with the plans.

Mr. Lawhon asked if the sewer line issue was discussed prior to preliminary approval, and Mr. McDougal said that it was post preliminary. The people with the Horn Lake interceptor are discussing requiring an easement. Mr. Lawhon then asked if the Planning Commission staff was comfortable in working with these problems. He then stated that he doesn't remember passing a final with this type of problem in the past.

Mr. McDougal then consulted Mr. Jody Neyman, Board Attorney, about this matter. Mr. Neyman said that the best alternative is a no build zone in this sewer easement. Mr. McDougal stated that he was concerned with the possibilities of many variances in the area. At this time there was discussion among the board.

Mr. Lawhon said that he feels this should be scrutinized by engineers. He then made a Motion to carry over this application until August 2, 2007. Mr. James seconded the Motion. This Motion was passed by a unanimous vote.

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In reference to Hawks Crossing, Mr. Carter began by asking if the BFE (base flood elevation) issue has been addressed. Mr. Robbie Jones stated that a survey has been done and the lowest lot elevation is a minimum of 2 feet, but most are 3 feet above.

Mr. Carter then asked if there will be any impact on Camp Creek. Mr. Jones said no, and that the elevations have been done.

Mr. Lawhon made a Motion to approve these applications with all staff recommendations. Ms. Leigh Grave seconded the Motion. The Motion was passed by a unanimous vote.

REZONING

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Mr. Hanks presented the application to the board. Mr. Carter asked if they would need to bring the application back as a preliminary. Mr. Hanks said that this application is the preliminary as well as the rezoning.

Ms. Graves asked if there are any other R-20's in this area, and Mr. Hanks said no. Mr. McDougal added that St. Ives is an R-15 and Jefferson Place is a PUD that goes down to R-10.

Mr. Bob Ginn and Mr. Billy Myers were present to represent. Mr. Myers began by stating that Mr. Hal Mullins is developing this property and wanted to create a development that would conform to all regulations as well as make sense in this area. He brought in Mr. Bob Ginn to engineer this project. He went on to say that Hernando is growing in this area and he feels that this would be a quality neighborhood that the county could be proud of.

Mr. Carter requested that Mr. Myers address the reason for change or mistake in the zoning. Mr. Myers said that the main sewer line of short Fork Creek runs through this area. These lines will be put in and be available to other developments. Mr. Ginn said that they took a look at the property to come up with something to conform to this area. It is between two growth quarters being Holly Springs and Byhalia Rd. They feel that something other than 1.5 acre lots in this area will give buyers more of a choice. There are also many water lines running through this area from North Mississippi Utilities. DCRUA has already designed a manhole with a stub out for the purpose of development. There are too many 1.5 to 2 acres lots with \$250,000 plus homes that include no amenities. They also feel that the sewer system would not be able to support itself with large lots.

There is farm land surrounding this development for people to enjoy. There will be extensive landscaping along Holly Springs Road. The proposed amenities include a trail system that will be over one mile in length with benches, a community garden plot, covered pavilion with a fireplace, and a mail house for gathering. The small lots will be

located in the rear of the development. There will be extensive tree buffer along the eastern edge. They want to create a community; not just a neighborhood.

The homes will be similar to Rosebury. They will have architectural shingle, landscaping, and copper accents. The styles may vary, but the quality will not.

They feel that the infrastructure is in place for this development. The sewer system and schools are out there. The county must manage the growth, but from a planning perspective the time for a development such as this is right.

Mr. Carter asked if there will be a Homeowners Association and what the minimum home sizes will be. Mr. Ginn said that there will be a Homeowners Association and that the home sizes have not been determined, but they will not be starter homes. Mr. Myers added that this is a transitional area in future land use. This development will give a sense of security. Children can leave their yards and have things to do while feeling safe.

Mr. Lawhon said that the board is used to seeing details in their applications. They need more information such as home size. He doesn't feel that this development is ready to be located in the county. If approved as it is there are no details on paper. An overlay must be detailed, especially in this area. Mr. James said that the board is not necessarily looking for 1.5 acre lots, but they are not looking for 10,000 square foot lots either.

Ms. Graves said that this is not a complete presentation, and if approved the developer could put patio homes on these lots. Mr. Lawhon added that there needs to be more details before this application can be approved.

Mr. Myers said that Grove Meadows is the set of standards that will be put on this development. He also said that the sewer lines were put in this area for future development. Mr. Lawhon said that the sewer lines were put in for the health and well being of the citizens of DeSoto County not for development purposes.

Mr. Myers then asked if the board would consider this application if it was brought back as a preliminary. Mr. Lawhon stated that it must all come in together. Mr. Lindsey said that his main concern with the development is while it does meet the Comprehensive Plan density requirements; that Plan is for 2030. He doesn't feel that this fits in the area at this time. Ms. Graves added that she was concerned with the small lots this far out.

Mr. Carter asked if there was anyone present to speak for or against this application. Ms. Susan Harris said that she was concerned with the sewer issue. It will be another two years before that sewer line is built in this area. She also feels that R-30 lots should be the precedent for this area. There are also too many houses that are sitting empty in the county. The roads are not ready for another development. That is why there is an increase in accidents. She then made the point that the Stillwater property was bypassed by the City of Hernando annexation so how do we know that the city will annex this development if it is approved. She then stated that there is a letter of opposition from Mr. Nolan Kelly.

Mr. David Spindler then came forward to speak. He said that this is a rural atmosphere and the neighbors do not agree with R-20 and smaller lots.

Mr. Joel Davis, 4515 Holly Springs Road, was the next to speak. He said that he is in the building business and is concerned with the Stormwater issues that this development will cause.

Mr. Steve Phelps said that he is a volunteer firefighter and is concerned with what will happen if a houses this close together catch on fire.

Mr. Chris Lemoire said that there is a big safety concern with the traffic. This road is already dangerous. There have been two people killed and a Highway Patrol officer flipped his patrol car recently.

Ms. Mary Ann Wells said that an R-20 subdivision will decrease the property value in the area. She stated that the lots in the area are all larger lots and they have worked hard to obtain there homes and want to keep the property value up.

Mr. Myers came back forward to address these concerns. He began by addressing the traffic and safety concerns. He stated that Holly Springs Road will be widened, but traffic control was out of their hands. As for the fire concerns, this is in a fire district and fire protection will be provided.

Mr. Carter then asked if this property is in the 100 year flood plan in reference to the stormwater concerns. Mr. Myers said that it is not, and there will be a detention pond located on the plat. Mr. Carter then asked about the site distance. Mr. Ginn said that they would have that evaluated.

Mr. Carter then asked about devaluing the surrounding property. Mr. Myers said that this development will not devalue the area. It will only add value.

Mr. James made a Motion to deny. There is no change in neighborhood to support the rezoning. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

The meeting adjourned at 9:15 p.m. These minutes were recorded and transcribed by Kristen Duggan.